

Exhibit A



Sean R. Smith
ssmith@continuumLG.com
404.229.5596

December 29, 2022

CERTIFIED MAIL NO.
7021 1970 0001 7557 3315

Rivian Automotive, LLC
14600 Myford Rd.
Irvine, CA 92606

CERTIFIED MAIL NO.
7021 1970 0001 7557 3322

Rivian Horizon, LLC
13250 N. Haggerty Rd.
Plymouth, MI 48170

CERTIFIED MAIL NO.
7021 1970 0001 7557 3339

State of Georgia Department of Economic
Development
Technology Square
75 5th Street., N.W. Suite 1200
Atlanta, GA 30308

CERTIFIED MAIL NO.
7021 1970 0001 7557 3346

Joint Development Authority of Walton, Newton,
Morgan, and Jasper Counties
300 E. Church St.
Monroe, GA 30655

CERTIFIED MAIL NO.
7021 1970 0001 7557 3353

Thomas and Hutton Engineering, Inc.
50 Park of Commerce Way
Savannah, GA 31405

CERTIFIED MAIL NO.
7021 1970 0001 7557 3360

Plateau Excavation, Inc.
375 Lee Industrial Boulevard
Austell, GA 30168

CERTIFIED MAIL NO.
7021 1970 0001 7557 3377

U.S. Environmental Protection Agency,
Administrator
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

CERTIFIED MAIL NO.
7021 1970 0001 7557 3384

U.S. Environmental Protection Agency
Region 4 Administrator
61 Forsyth Street SW
Atlanta, GA 30303

CERTIFIED MAIL NO.
7021 1970 0001 7557 3391

Georgia Environmental Protection Division
Richard E. Dunn, Director
2 Martin Luther King Jr. Drive, SE
14th Floor East Tower - Suite 1456
Atlanta, GA 30334

CERTIFIED MAIL NO.
7021 1970 0001 7557 3216

Terracon
514 Hillcrest Industrial Blvd.
Macon, GA 31204-3472

Re: 60 Day Notice of Intent to Sue

Dear Sirs and Madams:

I represent Julie G. Jenkins, as Trustee of the A.F.Jenkins, Jr. Testamentary Trust ("Jenkins"), as the owner of properties in Morgan County, Georgia downstream on Rawlings

Continuum Legal Group LLP

5605 Glenwood Drive | Suite 600 | Atlanta | GA | 30342
Office Telephone: 770.800.3518

December 29, 2022
Page 2

Branch from the Rivian development site in Morgan County and Walton County, Georgia. The Jenkins properties include a lengthy stretch of Rawlings Branch and a pond on it known as J-Pond.

Beginning in early October 2022, Plateau Excavation, Inc. ("Plateau") as grading contractor retained by or for the benefit of Rivian Horizon, Inc. ("Rivian"), Rivian Automotive, LLC ("Automotive"), the State of Georgia Department of Economic Development ("GADED"), and/or the Joint Development Authority of Walton, Newton, Morgan, and Jasper Counties ("JDA") commenced significant land disturbing activity in the upper watershed of Rawlings Branch on the Rivian site. It did so in violation of the terms of a Georgia NPDES General Permit to Discharge Storm Water Associated with Construction Activity ("General Permit") pursuant to Notice of Intent ("NOI") No. GAR392428-V1, dated September 6, 2022, as signed by Henry Evans of GADED. The NOI identified Henry Evans, presumably on behalf of GADED, as the owner and operator of the Rivian site.

I understand that the JDA is actually the fee simple owner of the property, with GADED as lessee, and Rivian as sublessee pursuant to a Rental Agreement which the Morgan County Superior Court has held to create a leasehold interest on the part of Rivian. I understand that Thomas & Hutton Engineering, Inc. ("T&H") was engaged as Design Professional by or for the benefit of GADED, JDA, and/or Rivian to prepare an erosion and sedimentation pollution control plan ("ESPCP") for the purpose of preventing sediment pollution impacts to Rawlings Branch as a result of the grading activities to be performed by Plateau. I understand that Terracon, Inc. was retained by or for the benefit of GADED, JDA, and/or Rivian to perform inspection and stream water monitoring activity for purposes of compliance with the inspection and monitoring requirements of the General Permit.

It is my understanding that from the inception of Plateau's grading activities that there have been and continue to be numerous violations of the federal Clean Water Act and the General Permit promulgated thereunder. Those violations include but are not necessarily limited to the following:

- a) The T&H ESCPC is deficient in not specifying adequate BMPs to prevent sediment impacts on Rawlings Branch as a result of the land disturbing activity in question.
- b) Plateau has shown a disregard for the need to install and maintain BMPs as necessary to prevent sediment impacts on Rawlings Branch; instead, it has rushed to pursue grading activities before proper design and installation of adequate BMPs.
- c) Terracon inspections and reports have been deficient in failing to identify deviations from the ESCPC and BMPs and sediment impacts on Rawlings Branch.
- d) Sediment impacts in Rawlings Branch as a result of inadequate BMPs are continuing and such sediment impacts constitute continuing violations of the Clean Water Act. Although it appears that some effort has been made to mitigate sediment impacts adjacent to and possibly in Rawlings Branch at one location adjoining the source of such impacts, downstream sediment impacts in Rawlings Branch and downstream to and including the J-Pond continue to be unremediated and constitute continuing violations of the Clean Water Act.

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Page 3

- e) A sediment basin on the site adjacent to Rawlings Branch has been installed where a spring that connects to Rawlings Branch is located. This constitutes a continuing violation of the Clean Water Act and the buffer protection rules contained in the General Permit.
- f) Turbidity monitoring reports for Rawlings Branch following rain events reflect NTU exceedances which are in turn indicative of inadequate BMPs, buffer encroachment, in-stream sediment, all of which constitute continuing Clean Water Act violations.

Because the public does not have general access to the Rivian site, it is entirely possible that there are other continuing violations of the Clean Water Act of which we are not aware but which the recipients of this letter should be able to identify based on a thorough investigation. Please consider this letter to place you on notice of any such matters. Also, please note that this letter should not be deemed to constitute a full listing of all prior Clean Water Act violations associated with this site; we reserve the right to pursue civil penalties for all Clean Water Act violations, past, present, continuing, and future, in a subsequent citizens suit under the Clean Water Act.

Rivian, GADED, JDA, T&H, Automotive and Terracon each have responsibility for Clean Water Act compliance with respect to the development of the Rivian site. This letter should be deemed to serve as a notice of intent to sue under the federal Clean Water Act. Under applicable law, should the above-referenced violations of the Clean Water Act not be fully abated and remediated within sixty (60) days of this letter, then the right to file a citizen's suit under the Clean Water Act will accrue as provided at 33 U.S.C § 1365.

Should you have any questions regarding the subject matter of this letter, please let me know.

Sincerely,



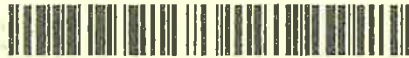
Sean Smith
Attorney for Julie G. Jenkins

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Terracon
514 Hillcrest Industrial Blvd.
Macon, GA 31204-3472



9590 9402 7072 1251 3242 77

2. Article Number (Transfer from service label)

7021 1970 0001 7557 3216

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

Tyler Gorman

C. Date of Delivery

1/9/23

D. Is delivery address different from item 1?

If YES, enter delivery address below:

- ☐ Yes
☐ No

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

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1. Article Addressed to:

GA Environmental Protection Division
Richard E. Dunn, Director
2 Martin Luther King Jr. Drive, SE
14th Floor East Tower - Suite 1456
Atlanta, GA 30334



9590 9402 7072 1251 3242 60

2. Article Number (Transfer from service label)

7021 1970 0001 7557 3391

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

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- ☐ Agent
☐ Addressee

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C. Date of Delivery

D. Is delivery address different from item 1?

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- ☐ Yes
☐ No

JAN 10 2023

EPD Watershed Protection Branch

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

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1. Article Addressed to:

U.S. Environmental Protection Agency
Region 4 Administrator
61 Forsyth Street SW
Atlanta, GA 30303



9590 9402 6550 1028 3942 32

2. Article Number (Transfer from service label)

7021 1970 0001 7557 3384

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☐ Addressee

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S Black

C. Date of Delivery

1-6-23

D. Is delivery address different from item 1?

If YES, enter delivery address below:

- ☐ Yes
☐ No

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

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Article Addressed to:

Joint Development Authority of Walton, Newton, Morgan, and Jasper Counties
3000 E. Church St.
Monroe, GA 30655

Article Number (Transfer from service label)
7021 1970 0001 7557 3346

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Article Addressed to:

Rivian Horizon, LLC
13250 N. Haggerty Rd.
Plymouth, MI 48170

Article Number (Transfer from service label)
7021 1970 0001 7557 3322

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

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☐ Addressee

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Article Addressed to:

U.S. Environmental Protection Agency,
Administrator
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Article Number (Transfer from service label)
7021 1970 0001 7557 3377

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Is delivery address different from item 1? ☐ Yes ☒ No
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☐ Adult Signature
☐ Adult Signature Restricted Delivery
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☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail (over \$500)

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☐ Registered Mail™
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Article Addressed to:

Plateau Excavation, Inc.
375 Lee Industrial Boulevard
Austell, GA 30168

Article Number (Transfer from service label)
7021 1970 0001 7557 3360

PS Form 3811, July 2020 PSN 7530-02-000-9053

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☐ Adult Signature
☐ Adult Signature Restricted Delivery
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☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

Tracking Number:

Remove X

70211970000175573339

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

Get More Out of USPS Tracking:

USPS Tracking Plus®

- Delivered
- Out for Delivery
- Preparing for Delivery

Moving Through Network
In Transit to Next Facility

January 3, 2023

Departed USPS Regional Facility
ATLANTA GA DISTRIBUTION CENTER
December 30, 2022, 11:43 pm

See All Tracking History

Feedback

Text & Email Updates



Tracking Number:

Remove X

70211970000175573353

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 10:37 am on January 4, 2023 in SAVANNAH, GA 31405.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Left with Individual

SAVANNAH, GA 31405

January 4, 2023, 10:37 am

See All Tracking History

Feedback

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

Tracking Number:

Remove X

70211970000175573315

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 12:25 pm on January 3, 2023 in IRVINE, CA 92606.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Left with Individual

IRVINE, CA 92606

January 3, 2023, 12:25 pm

See All Tracking History

Feedback

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers